

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Sophia Bernhardt	Team: Team # 8	CCRB Case #: 200302629	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input checked="" type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 04/10/2003 11:30 AM	Location of Incident: § 87(2)(b)	Precinct: 48	18 Mo. SOL 10/10/2004	EO SOL 10/10/2004	
Date/Time CV Reported Thu, 04/10/2003 3:50 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Thu, 04/10/2003 3:50 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. POM Angel Maysonet	01892	901936	048 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Edwin Reyes	27871	919617	048 PCT
2. POM Ramon Reyes	12332	916516	048 PCT
3. POM Edwin Santiago	07393	907737	048 PCT
4. POM Joseph Delio	21695	915580	044 PCT
5. POM Christop Brady	24063	922018	044 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POM Angel Maysonet	Abuse: PO Angel Maysonet stopped and questioned § 87(2)(b)	§ 87(2)(b)
B.POM Angel Maysonet	Abuse: PO Angel Maysonet frisked and searched § 87(2)(b)	§ 87(2)(b)
C.POM Angel Maysonet	Force: PO Angel Maysonet used physical force against § 87(2)(b)	§ 87(2)(b)
D.POM Angel Maysonet	Abuse: PO Angel Maysonet threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
E.POM Angel Maysonet	Off. Language: PO Angel Maysonet made remarks to § 87(2)(b) based upon race.	§ 87(2)(b)
F.POM Angel Maysonet	Discourtesy: PO Angel Maysonet spoke obscenely and/or rudely to § 87(2)(b)	§ 87(2)(b)
§ 87(2)(g), § 87(4-b)	§ 87(2)(b)	§ 87(2)(b)

Synopsis

On the morning of 4/10/03, a call was placed to 911 reporting drug activity at § 87(2)(b) in the Bronx. Officers Angel Maysonet, Edwin Reyes, Ramon Reyes and Edwin Santiago of the 48th Precinct Tracer Unit responded to the scene. In the lobby, Officer Maysonet encountered § 87(2)(b) a resident of the building. § 87(2)(b) alleged that Officer Maysonet stopped him, frisked and searched him, punched him in the face, told him to “get a job” and threatened to “put a bullet” in his “black ass.” § 87(2)(b) went to the hospital that afternoon, where he was found to have injuries to his face. His sister, § 87(2)(b) filed a CCRB complaint later that day. § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Summary of Complaint

§ 87(2)(b)

At 4:30 PM on 4/10/03, § 87(2)(b) called the CCRB to file a complaint on behalf of her brother, § 87(2)(b). She stated that earlier in the day, her brother was assaulted by an officer with the shield number “1862.” § 87(2)(b) did not witness the incident and consequently was never interviewed (Encl. 7a-b).

§ 87(2)(b)

At 4:30 PM on § 87(2)(b), § 87(2)(b) went to § 87(2)(b) Hospital seeking medical treatment. According to his **medical records**, § 87(2)(b) stated, “I got assaulted by a police officer around 12:15 this afternoon” (Encl. 8 & 28). § 87(2)(b) added that he had been punched in the right eye and that the assault had occurred in the hallway of his building. Swelling and redness was observed to § 87(2)(b)'s right eye, and he was diagnosed with a facial contusion. At 8:50 PM that day, § 87(2)(b) went to the 48th Precinct and requested a CCRB complaint form. According to the **Command Log** (Encl. 29), § 87(2)(b) was given the complaint form and the phone number for the CCRB.

On 4/11/03 § 87(2)(b) spoke with this investigator by phone (Encl. 9). On 4/16/03, § 87(2)(b) was interviewed at the CCRB (Encl. 10a-d). On 6/30/03, § 87(2)(b) testified at a 50H hearing pursuant to his civil suit (Encl. 12a-ff). On 2/25/04, § 87(2)(b) spoke with this investigator by phone to answer follow-up questions (Encl. 36a-i). § 87(2)(b) was highly consistent in all four statements. A § 87(2)(b)-old African-American male with a muscular build and dreadlocks, § 87(2)(b) works in a § 87(2)(b) at night and is off during the day. He generally spends a few hours exercising in the courtyard of his building at § 87(2)(b) in the Bronx during the morning. On 4/10/03, § 87(2)(b) followed his regular routine and worked out in the courtyard until shortly after noon. When he was finished, § 87(2)(b) walked inside his building and started to open the door to his apartment, located on the first floor of the “D” line. A male officer in uniform, PO1, approached § 87(2)(b) from behind and grabbed him by the left arm. The officer was a white or Hispanic male in his thirties, approximately 6’3” and 235 pounds with a shaved head and a dark moustache. His badge number was “1862.” PO1 pulled § 87(2)(b) away from his door, leaving the keys still in the lock. He pulled § 87(2)(b) down the hallway and told him to place his hands on the wall near the mailboxes. § 87(2)(b) complied. PO1 frisked § 87(2)(b) and then reached inside the front pouch pocket of his sweatshirt, removing a pair of construction gloves and throwing them on the floor. He reached inside § 87(2)(b)'s pants pockets and pulled out a lighter, which he threw down as well. While § 87(2)(b) was facing the wall, he heard more people enter the building and PO1 told them to go up to the roof. Only one other person remained in the hallway, a Hispanic male officer in uniform with a dark complexion, approximately 5’6-5’7” and 175 pounds with black hair (PO2).

PO1 told § 87(2)(b) “You’re the one who told the guys in the building that we were coming.” § 87(2)(b) said, “What guys?” PO1 said, “You need to learn to mind your business and let us do our jobs.” § 87(2)(b) was still facing the wall and PO1 hit him with a closed fist on the right side of the face. PO1’s fist hit § 87(2)(b)'s right eye, which later became bruised and swollen. PO1 told § 87(2)(b) to turn around, and § 87(2)(b) turned to face the officer, taking the opportunity to look at PO1’s badge.

PO1 asked, “What are you looking at?” and swung at § 87(2)(b) a second time. § 87(2)(b) moved out of the way, and PO1’s fist grazed the left side of his jaw. In his CCRB interview, § 87(2)(b) stated that he knew there was drug activity in the building, but added that he was not involved in the drug trade and was not a lookout for drug dealers in the building.

PO1 told § 87(2)(b) to “get out of here,” and § 87(2)(b) walked into his apartment door, pulled the keys out of the lock and stood in his doorway. He said loudly to PO1, “I got you, § 87(2)(b) 1862! I’ll see you in court. You’re a punk!” PO1 and PO2 started towards the door but § 87(2)(b) slammed it shut. He heard a loud sound and looked through his peephole to see PO2 kicking his door. § 87(2)(b) said, “If my door break in, I’m gonna bash your face in!” Through the peephole, § 87(2)(b) saw the officers walk away. A few moments passed, and he opened his door again to make sure the officers were gone. At that point, the officers hurried back from around the corner. The apartment door opened inwards and PO1 tried to push the door open while § 87(2)(b) tried to push it closed. § 87(2)(b) eventually managed to get the door closed, and PO1 stated, “Why don’t you go get a job?” § 87(2)(b) stated that he had a job and probably made more money than PO1. PO1 replied, “So why don’t you come from behind that door and I’ll put a bullet in your black ass?” PO1 and PO2 left the building and § 87(2)(b) closed his door and ran over to the window in his sisters’ room, which faces the street. He saw approximately eight uniformed police officers leaving the scene. He also saw a marked vehicle from the 48th Precinct. When the officers had driven away, § 87(2)(b) walked out of his apartment. His neighbor § 87(2)(b) approached him and stated that he had seen the incident through the peephole of his door.

Later that day, § 87(2)(b) went to the Emergency Room at § 87(2)(b) Hospital. When he told the doctors what had happened, they called the police and two uniformed police officers came to the hospital, PO3 and PO4. PO3 was a white male, approximately 28 years old and 5’8” tall with a slim build and blond hair. PO4 was a white male in his early thirties, approximately 6’2” tall with a heavier build than PO1 and black hair. When § 87(2)(b) told the officers what had happened, PO3 stated that there was nothing he could do. He gave § 87(2)(b) the phone number for the Internal Affairs Bureau and told him to call to complain. Later that night, § 87(2)(b) his sister § 87(2)(b) and his cousin § 87(2)(b) went to the 48th Precinct to file a complaint.

On 12/4/03, § 87(2)(b) was shown 12 single photos of Hispanic male officers, presented simultaneously to form an array (Encl. 11a-f). The array held photographs of Officer Angel Maysonet, Officer Ramon Reyes, Officer Edwin Santiago, Officer Edwin Reyes and eight fillers. § 87(2)(b) picked out the photograph of Officer Maysonet and wrote, “he is the one that hit me,” on a copy of his photograph. § 87(2)(b) identified the photo of Officer Ramon Reyes as the officer who kicked his door. He recognized Officer Santiago and stated that this officer was present but that he did not have any allegations against him. Lastly, § 87(2)(b) picked out Officer Edwin Reyes and stated that he could have been present but § 87(2)(b) was not sure. § 87(2)(b) did not pick out any of the “filler” photographs.

§ 87(2)(b) filed suit against the City of New York (Encl. 34a-b). He claimed that he had sustained physical injuries to his face and that the incident caused him to miss one day of work. § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Results of Investigation

§ 87(2)(b) Surber

On 4/10/03, an anonymous male called 911 from § 87(2)(b) apartment 1D (Encl. 33c). The caller reported that a “mixed race group” of people were selling drugs in his building. On an unspecified date in September 2003, § 87(2)(b) signed a statement for use in § 87(2)(b)’s civil suit (Encl. 14). § 87(2)(b) is a resident of § 87(2)(b) apartment 1D. He stated that on 4/10/03, he was at home when he heard a ruckus and went to look out of his peephole. There he saw his neighbor § 87(2)(b) standing with his hands against the wall accompanied by a bald white male officer. § 87(2)(b) corroborated § 87(2)(b)’s account and stated that an officer struck § 87(2)(b) threatened to “put a

bullet” in his “black ass” and kicked his door. § 87(2)(b) did not mention hearing an officer tell § 87(2)(b) to “get a job.”

On 4/16/03, § 87(2)(b) spoke with this investigator over the phone (Encl. 13). At the time of the phone conversation, this investigator was unaware of the 911 call from § 87(2)(b)'s apartment. Consequently, § 87(2)(b) was not asked about the 911 call, and he did not mention the call himself. He stated that on 4/10/03, he looked out his peephole and saw an officer kicking the door of another apartment and screaming "bring your black ass out and I'll put a bullet into it." A second officer arrived and stood by the mailboxes and § 87(2)(b) heard his neighbor § 87(2)(b) yelling from behind his door. § 87(2)(b) initially stated that he did not wish to be involved in the investigation because his wife is a School Safety officer and works for the NYPD. He added that he did not want people from his building to know that he was talking to representatives of the city, and requested that the investigators be “discreet” when coming to see him. § 87(2)(b) agreed to be interviewed at his home on 4/21/03 at 10:30 AM. At the agreed-upon date and time, investigators traveled to § 87(2)(b)'s home, but he was not there. Further attempts to contact § 87(2)(b) were unsuccessful. On 2/5/04, investigators traveled to § 87(2)(b)'s home in a last attempt to locate him. The apartment seemed to be vacant with the door padlocked from the outside and the mailbox hanging open.

Additional 911 Calls

According to **Police Communications Records** (encl. 33a-b) an unidentified male called 911 at 5:25 PM on the date of occurrence to request that police respond to § 87(2)(b) Hospital. The 911 caller reported that a man had been punched in the eye. Patrol Sector 44K responded to the scene at 5:34 PM and remained there until 5:58. At that time, Unit 44K marked the job “10-95,” code for a “non-crime incident referred to another agency.”

Canvass

On 5/1/03, Investigators Sophia Bernhardt and Sarah Brannen conducted a canvass at § 87(2)(b) on the § 87(2)(b) of the § 87(2)(b) (Encl. 15a-b). The first floor has only four apartments: § 87(2)(b)'s (§ 87(2)(b) § 87(2)(b)'s (§ 87(2)(b) and two others. No one else was found on the floor who had witnessed the incident. Investigators also spoke with § 87(2)(b) the building superintendent and § 87(2)(b) the handyman, who were working in the building at the time of the canvass. Neither § 87(2)(b) nor § 87(2)(b) would consent to speak on record. § 87(2)(b) stated that there is significant drug activity in the building, and that the police come to the building frequently. He added that one particular drug dealer and his colleagues often set off unnecessary fire alarms or use other tactics to distract the police and flee the building. When asked about the residents of § 87(2)(b) § 87(2)(b) stated that a brother and sister lived there, and did not cause problems. He noted that the brother often exercised in the courtyard of the building, but did not seem to be involved in the drug trade, was not associated with the drug dealer or his crowd, and did not act as a "lookout." § 87(2)(b) stated that he had heard about an incident when the resident of § 87(2)(b) was hit by the police, but did not witness the incident himself. § 87(2)(b) stated that the building was dangerous and full of drug dealers, and so the police often stop the wrong people or push people out of their way when trying to make arrests. § 87(2)(b) stated that he himself has been pushed against the wall several times by police officers who are trying to run through the building while he was working.

Officer Maysonet

On October 22, 2003, Officer Angel Maysonet was interviewed at the CCRB (Encl. 17a-c). Officer Maysonet is a § 87(2)(b)-year-old Hispanic male with brown eyes and a light complexion. He is 6'5", 315 pounds, and is bald. Officer Maysonet stated that on 4/10/03, he was working as part of the 48th Precinct Tracer unit with Officer Edwin Reyes, Officer Ramon Reyes and Officer Edwin Santiago. They were in uniform and were using a marked van. At 11:28, Officer Maysonet received a radio report of drug sales at § 87(2)(b). Officer Maysonet could not recall the details of the radio transmission, but believed that it was generated by a 911 call and was transmitted by the central operator. Officer Maysonet was familiar with § 87(2)(b) a common location for drug activity, and had been there at least ten times previously. When they reached the building, Officer Maysonet entered the courtyard and saw a black male with dreadlocks standing in the lobby of the “§ 87(2)(b) building. The man, later identified as § 87(2)(b) called out something about the “Po-po” or the “50.” Officer Maysonet ran into the “§ 87(2)(b) building and heard people running up the stairs. He concluded that the man with dreadlocks had been a lookout and

had warned the others to flee. He ordered the man with dreadlocks to stand against the wall, and he complied. At that point, Officer R. Reyes, Officer E. Reyes and Officer Santiago entered the building. They ran up the stairs while Officer Maysonet remained downstairs.

Officer Maysonet denied that he frisked, searched or struck § 87(2)(b). He denied telling § 87(2)(b) that he would shoot his “black ass” or telling him to “get a job.” He denied kicking § 87(2)(b)’s door. Officer Maysonet stated that he asked § 87(2)(b) for his ID and § 87(2)(b) replied that he lived down the hall and his ID was inside his apartment. Officer Maysonet directed § 87(2)(b) to go get his ID. § 87(2)(b) went into his apartment, slammed the door shut and never returned. Instead, he began screaming and cursing at Officer Maysonet from behind the door. Officer Maysonet concluded that there was nothing he could do and so he waited downstairs for the other officers to return. When the officers came back 5-8 minutes later, § 87(2)(b) was still cursing from behind the door. All four officers left the scene and walked back to their van. As they walked, Officer Maysonet saw the man with dreadlocks screaming out of a window that faced the street. He repeatedly stated “I got you” and stated that he had called Internal Affairs.

Officer Ramon Reyes

On October 24, 2003, Officer Ramon Reyes was interviewed at the CCRB (Encl. 19a-b). Officer Reyes stated that he was the last to enter § 87(2)(b) behind the other officers. When he turned a corner into the lobby, he saw 5-6 people standing there. Officer R. Reyes could not tell what these people looked like because the lobby was very dark. At the sight of the officers, the civilians scattered and ran upstairs. Officer Santiago and Officer Edwin Reyes ran upstairs to try to catch them, while officer Maysonet and Officer R. Reyes remained in the lobby. Officer Maysonet spoke to a man who was near the mailboxes, later identified as § 87(2)(b). Officer R. Reyes’ account was consistent with Officer Maysonet’s except that Officer Reyes denied hearing § 87(2)(b) shout at other people in the building or warn them about the police. Officer Reyes denied that Officer Maysonet frisked or searched § 87(2)(b). § 87(2)(b) struck § 87(2)(b) told him to “get a job” or threatened to “put a bullet” in his “black ass.” Officer Reyes stated that none of the officers filed a UF 250 because they did not have any information on § 87(2)(b) and the job was a standard radio run. However, Officer R. Reyes also acknowledged in the interview that an officer can file a UF 250 even if he or she does not know the name of the person who has been stopped.

Officer Edwin Reyes

On October 22, 2003, Officer Edwin Reyes was interviewed at the CCRB (Encl. 21). Officer E. Reyes, a Hispanic male with black hair, brown eyes and a medium/dark complexion, is 5’3” and 255 pounds. Officer Reyes stated that when the officers responded to § 87(2)(b) Officer Maysonet entered the building first. When he entered the lobby, Officer Reyes saw Officer Maysonet with a man standing against the wall. Officer Maysonet stated that other civilians had fled up the stairs, and so Officer Reyes ran upstairs with Officer Santiago behind him. He heard footsteps above him, and then heard the roof door slam shut. He drew his gun and proceeded up to the roof. However, when he got outside, he did not see anyone. Officer Reyes was familiar with the building from prior jobs and arrests, and knew that all four apartment lines are accessible from the roof through separate stairways. There are also several accessible fire escapes. Not seeing the perpetrators, Officer Reyes and Officer Santiago looked around and then went back downstairs. When Officer Reyes reached the first floor, he saw Officer Maysonet in the lobby. The civilian who had been standing against the wall was gone, but Officer Reyes could hear someone screaming and shouting from behind a door, and he assumed that it was the same person he had seen earlier. The civilian was insulting the officers and using profanity, and repeatedly stated, “I got you. I got you, nigger.” The officers left the building and walked back to their van. As they walked, the civilian appeared again at his window and continued to scream.

Officer Edwin Santiago

On 10/31/03, Officer Edwin Santiago was interviewed at the CCRB (Encl. 23). Officer Santiago, a § 87(2)(b) old Hispanic male, is 5’11” and 195 pounds with brown eyes and brown hair. Officer Santiago’s account was largely consistent with Officer E. Reyes’s. However, he stated that the civilian in the lobby was talking to Officer Maysonet face-to-face and was not up against the wall. Officer Santiago did not

know the name of the civilian who spoke to Officer Maysonet, but stated that he had seen this man around the neighborhood.

Officer Delio and Officer Brady

Officer Delio noted in his memo book that at 5:25 PM, he responded to a report of an assault-in-progress at § 87(2)(b), the address of § 87(2)(b) Hospital (Encl. 24). At 5:40, Officer Delio marked the job “91.” According to the Police Radio Code Signal Guide, the “10-91” code “should be used when a unit responded to a crime in progress but found and corrected only a minor dispute.” Officer Brady had no detailed memo book entries. On 1/21/04, Officer Delio and Officer Brady were interviewed at the CCRB (Encl. 25 & 27). Officer Brady is a § 87(2)(b)-old white male, 6’0” and 190 pounds with brown hair and blue eyes. Officer Delio is a § 87(2)(b)-old white male, 5’7” and 165 pounds with a shaved head and brown eyes. Both officers denied any recollection of this incident and stated that they did not recall any contact with § 87(2)(b) or any trip to § 87(2)(b) Hospital to take a civilian complaint.

Building Layout and Building Conditions

On 5/1/03, Investigators Sophia Bernhardt and Sarah Brannen visited § 87(2)(b) (Encl. 15a-b). The building had a large square courtyard and contained four separate apartment lines with distinct entrances: A, B, C and D. When the investigators entered the courtyard, three young men were present. Upon seeing the investigators, who were white, female, and dressed in business attire, the young men began whistling and calling upwards. It was evident that persons on the roof were being alerted to the presence of the investigators. The “D” building had four first-floor apartments. Upon entering the building, there were mailboxes and a small L - shaped hallway. All four of the apartments opened onto the hallway within 20 feet of each other, and so it was evident that any incident occurring in the hallway could be seen from the peepholes of any of the four doorways. There were no obvious foot marks on the door to apartment § 87(2)(b)s apartment. Photographs were taken of the door but due to adverse lighting conditions, these photographs were blurry and unclear when developed.

Medical Records

§ 87(2)(b) went to § 87(2)(b) Hospital at 4:30 PM on the date of occurrence (Encl. 28a-k). He was diagnosed with a contusion to his right eye. Swelling and redness were noted in his medical records and x-rays were taken of his face. § 87(2)(b) was given Motrin for pain and told to follow-up with his regular doctor. The doctors noted that the police were needed. § 87(2)(b) was discharged at 6:45 PM.

Roll Calls

The 48th Precinct **roll call** indicates that Officer Maysonet, Officer E. Reyes, Officer R. Reyes and Officer Santiago were working together on the date of occurrence in a van and were assigned to the 48th Precinct Tracer Unit (Encl. 32a-h). The 44th Precinct roll call indicates that Officer Delio and Officer Brady were assigned to Patrol Sector 44K on the date of occurrence (Encl. 32i-p).

Stop and Frisk Paperwork

A document request was sent to the 48th Precinct for a Stop, Question and Frisk Report, but the 48th Precinct sent the request back to the CCRB unfilled with a note stating that there was no report. The **Stop and Frisk Log** indicates that none of the officers at this scene filed any Stop and Frisk Reports for § 87(2)(b) or for any “anonymous” or unidentified civilians on the date in question (Encl. 31a-b).

Officer and Civilian CCRB Histories

Officer Maysonet has never faced charges as the result of a substantiated CCRB complaint (Encl. 5a-b). This is § 87(2)(b) and § 87(2)(b)s first CCRB complaint (Encl. 6).

§ 87(2)(b)s Criminal History

§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)

Conclusions and Recommendations

It is undisputed that on 4/10/03, a man called 911 to report drug dealing in the “D” line of § 87(2)(b) a building known to the police as a narcotics-prone location. Officers Angel Maysonet, Ramon Reyes, Edwin Reyes and Edwin Santiago responded to the scene. When they entered the building, they saw § 87(2)(b) a resident of § 87(2)(b). Officer Maysonet stopped and questioned § 87(2)(b). The officers ultimately left the scene without any arrests or summonses, and without filing any Stop, Question and Frisk paperwork. Approximately 4 hours later, § 87(2)(b) was treated at § 87(2)(b) Hospital and found to have minor injuries to his face. He told his doctors that an officer had struck him. The police were called, and Officer Brady and Officer Delio of the 44th Precinct responded to the hospital. Officer Brady and Officer Delio were at the hospital for approximately 24 minutes but did not report a civilian complaint. § 87(2)(b) later went to the 48th Precinct and was given complaint paperwork and the phone number for the CCRB. His sister, § 87(2)(b) filed a CCRB complaint by phone.

§ 87(2)(b), § 87(2)(g)

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§ 87(2)(b), § 87(2)(g)

Officer Identification

§ 87(2)(b) stated that the officer who struck him was a tall, heavy-set officer with a shaved head and the shield number 1862. Officer Maysonet, shield number 1892, is tall and heavyset with a shaved head. He was positively identified in a photo array as the subject officer. By Officer Maysonet's own account, he was the officer who primarily interacted with § 87(2)(b) stopped and questioned him. The allegations have therefore been pled against Officer Maysonet.

Pleading of Allegations

§ 87(2)(b) was upset that Officer Brady and Officer Delio referred him to the Internal Affairs Bureau rather than taking his complaint on the spot. Although Officer Delio and Officer Brady have stated that they do not recall the incident, it is clear from the Sprint record and Officer Delio's memo book that they were present at the hospital for more than 20 minutes. § 87(2)(b), § 87(2)(g)

According to PG 207-31, "complaints against uniformed members of the service may be made at any patrol precinct, police service area, transit district, traffic unit, Internal Affairs Bureau or at an other office of the department." The procedure states further that complaints should be processed by the Platoon Commander, Integrity Control officer, Special Operations Lieutenant or the next highest supervising officer. § 87(2)(b), § 87(2)(g)

Allegation A: Officer Angel Maysonet stopped and questioned § 87(2)(b)

In *People v. DeBour* (NYS 1976) the Court identified four levels of police intrusion in street encounters with civilians. The second level of intrusion is often referred to as the "common law right of inquiry"

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

Age Group	Gender	Percentage Vaccinated
18-24	Male	~10%
18-24	Female	~10%
25-34	Male	~15%
25-34	Female	~15%
35-44	Male	~25%
35-44	Female	~25%
45-54	Male	~35%
45-54	Female	~35%
55-64	Male	~45%
55-64	Female	~45%
65-74	Male	~55%
65-74	Female	~55%
75-84	Male	~65%
75-84	Female	~65%
85+	Male	~75%
85+	Female	~75%

[illegible]

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§ 87(2)(b), § 87(2)(g)

Both § 87(2)(b) and Officer Maysonet were extremely upset and irate. By his own admission, § 87(2)(b) stated that he would “bash [Officer Maysonet’s] face in” if the officer entered his apartment. § 87(2)(b), § 87(2)(g)

Patrol Guide Procedure 203-10 notes that officers are prohibited from using “discourteous or disrespectful remarks regarding another person’s ethnicity, race, religion, gender or sexual orientation.” § 87(2)(b), § 87(2)(g)

Allegation F: Officer Angel Maysonet spoke rudely to § 87(2)(b)

§ 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b) was inside his apartment behind a closed door while Officer Maysonet was outside in the hallway. The Office of Administrative Trials and Hearings has held that profanity is permissible “where the officer has resorted to such language in order to forcefully make a point, to gain compliance with an order or direction or in the heat of a highly dangerous situation.” (*Police Department v. Bitchatchi and Matias*, OATH Index No. 1996/00). DCT has made similar decisions, finding that an officer may use discourteous language in stressful street encounters, to obtain compliance or in dealing with a particularly belligerent suspect (*Police Department v. Howard*, Disciplinary Case #78225/02). The

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g), § 87(4-b)

Investigator:

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: